

Response to FCC solicited comments: RM-10786 No-Code International (NCI) Petition
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Introduction

The 20-page petition (RM-10786) filed by NCI covers a wealth of areas, history, past FCC actions, and a “cut and dry” position/recommendation with regard to the demise of the Morse code exam (Element 1) to obtain an FCC authorized amateur radio license for operation below 30 Mhz. In light of the World Radiocommunications Conference (WRC-03), the perceived last stumbling block has been lifted to this end as viewed by an organization dedicated to the wholesale elimination of a human based radio communications skill. The WRC-03 however has not taken the same hard line as that of NCI. But, WRC-03 has deemed their no code position as “optional” to all countries involved. It is respectfully requested that the FCC consider the following prior to a final decision with regard to RM-10786 and the “no-code” movement related to the amateur radio service in general.

Legacy Environment / Band Planning

Regardless of the FCC decision with Morse code requirements there will in fact remain a substantial number of radio amateurs operating Morse code or more commonly known as “CW”. CW is still a prime low power communications (QRP) mode, which by the way also contains a collection of the most technically oriented radio amateurs active today. This CW legacy as well as the many other CW operators active worldwide will continue to use this form of communication by choice as well as necessity with regard to language barriers and basic communications between amateurs for DX purposes. CW in this domain is a common denominator among many active amateurs regardless of the view of others as to how out dated Morse code may or may not be. CW will still be utilized by those who retain or acquire the skill to do so.

Because of this, it is requested that the FCC consider carefully any band plan actions (30 MHz and below) that follows the wake of no code entry into amateur radio. Many of the no code petitions submitted to the FCC, including RM-10786 (Appendix A), virtually in the same breath of condemning the use of Morse code, also provide their view of how selected band allocations should be repartitioned. Over the last few years this practice has appeared to be a feeding frenzy where acquiring something for nothing prevails. Nevertheless, those who continue to operate Morse code should not be edged out due to the inevitable band repartitioning that will be driven by no code entry below 30 Mhz to accommodate the high tech digital modes and voice.

Point: Retain some reasonable space on each band for CW only operation. There will be plenty of time later as we all see how this plays out should Element 1 be deleted from the licensing requirements and the anticipated influx of new amateurs. A transition period for CW operation is reasonable and warranted under the circumstances of legacy band usage.

WRC-03 deemed “optional”.

Clearly the World Radiocommunications Conference 2003 made optional the requirement to prove the ability to send and receive Morse signals to operate below 30 Mhz. The decision then for the United States and more specifically the FCC is to determine the best course of action under the changing tide of WRC-03. The present fundamental purpose of the amateur radio service is stated, Title 47, Part 97.1 of the Code of Federal Regulations (relevant parts):

(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communications service, particularly with respect to providing emergency communications.

And

(d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.

An all or none Morse code decision seems to be a position **not** in the best interest of the public and these regulations. It serves no purpose for either side of the no code debate and ultimately denies the public options that may or may not otherwise be available. Recognition and enhancement of the value of the amateur radio service is key. With the public interest in mind there are reasonable options that permit both interests to coexist.

- Retain the Element 1 examination for the Amateur Extra Class license at its present requirement. This adds value to the reservoir of “trained operators”, and is not unreasonable to ask of this licensing level of amateur expertise. This one license class would act as the repository for preserving and maintaining CW; a human based operating skill, with no impact to the entry and above radio amateur ranks.
- Emergency communications cannot always be counted upon to “deliver” where emergency conditions exist and related environments are unpredictable. High tech digital communications mediums require infrastructures that cannot be guaranteed (e.g. computers including laptop battery life, monitors, commercial power, etc). The “by ear” Morse capability of a trained operator should not be an option thrown out with the perceived “obsolete” bathwater. The public interest may best be served with a smaller reservoir of amateurs skilled in this area. This becomes a choice by existing licensed operators to upgrade to that final level of licensing and not hinder entry-level and above licensing interests.

All radio amateur service communications skills either legacy or modern should be by fundamental definition recognized, enhanced, and encouraged from within the FCC in pursuit of the value, effectiveness, and skills of trained operators. As a parallel, a licensed motor vehicle operator is still required in most (if not all) states to understand and utilize when necessary the legacy hand signals common to a much earlier era. It is recognized by these states that high tech implementations to signaling a driver’s

intentions do fail or may be unavailable. In contrast, the public is better served with retaining some level of legacy (CW) radio amateur service expertise rather than totally eliminated due to the popularity of high tech replacements. The Amateur Extra Class licensing level appears to be the best suited for the retention of this expertise.

In summary, it is evident since the WRC in July 2003 that changes to the American radio amateur service below 30 Mhz is highly probable relative to Morse code requirements to licensing and operation. However the WRC-03 representation and leadership took the position that such a decision for each country is optional. For the reasons outlined, elimination of a fundamental radio communications skill, be it legacy or otherwise, is not in the best interests of the American public either for those who enter the radio amateur service or by those who are beneficiaries of its services. There is no precedent for the wholesale rejection of a fundamental communications skill by the FCC as is desired by the petitioner of RM-10786 (NCI). This would diminish the skill base within the reservoir of trained operators, be damaging to the best interest of the American public, and further divide the existing population within the volunteer radio amateur service. The best strategy for any foe to defeat an organization, volunteer or otherwise, is from within. There is a way to coexist without further internal stress to the radio amateur service. RM-10786 is supported by an organization with a specific agenda, clearly indicated by its name, and assumes that high tech advances are reason enough to eliminate human capable skills. Many believe we need them both in the "tool kit" of the American based radio amateur service and there is no reason other than ignorance that they both cannot coexist.

Finally, it is clear that such an action as outlined within RM-10786 is a violation of the fundamental principles as stated in Title 47, Part 97.1 of the Code of Federal Regulations, and referenced herein.